

HOUSE JOURNAL

EIGHTY-SECOND LEGISLATURE, REGULAR SESSION

PROCEEDINGS

FORTY-THIRD DAY (CONTINUED) — WEDNESDAY, MARCH 30, 2011

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 160).

Present — Mr. Speaker; Aliseda; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Absent, Excused — Allen.

Absent — Smith, W.

The invocation was offered by Reverend Bayard Pratt, pastor, Martin United Methodist Church, Bedford, as follows:

In a world in which traditions need to be reshaped and purged as much as protected, O God, bless us all with uncertainty. Grant us grace not to find reasons to support what we already hold, but to seek a truth greater than anything that we have as yet conceived. And remind us in these moments of reflection that our neighbors suffer from injustices we too were born to correct, for the world is now too dangerous for anything but truth, and too small for anything but love.

May we not be overcome by the inevitable contrast between what we expect and what the world intends. So may our prayer, O God, be that you will grant us grace to press to think beyond knowledge and power, beyond pride and certainty, on behalf instead of what lies beyond; to truth and beauty, to grace and love, and to dreams and justice for all.

The speaker recognized Representative Price who led the house in the pledges of allegiance to the United States and Texas flags.

(W. Smith now present)

REGULAR ORDER OF BUSINESS SUSPENDED

On motion of Representative Price and by unanimous consent, the reading and referral of bills was postponed until just prior to adjournment.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 13).

CAPITOL PHYSICIAN

The speaker recognized Representative Isaac who presented Dr. Fred Merian of Wimberley as the "Doctor for the Day."

The house welcomed Dr. Merian and thanked him for his participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

HR 865 - ADOPTED (by Veasey)

Representative Veasey moved to suspend all necessary rules to take up and consider at this time **HR 865**.

The motion prevailed.

The following resolution was laid before the house:

HR 865, Acknowledging the Slocum massacre of 1910.

HR 865 was read and was adopted.

On motion of Representative Burnam, the names of all the members of the house were added to **HR 865** as signers thereof.

INTRODUCTION OF GUESTS

The speaker recognized Representative Veasey who introduced Myrt Hollie and members of his family.

(Cook in the chair)

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

RESOLUTIONS ADOPTED

Representative Lewis moved to suspend all necessary rules to take up and consider at this time **HR 912** and **HR 1090**.

The motion prevailed.

The following resolutions were laid before the house:

HR 912 (by Lewis), Congratulating Larry Feeler on being named the 2011 Entrepreneur of the Year by the Odessa Chamber of Commerce.

HR 1090 (by Lewis), Honoring Leonard Bruce on his retirement as a prosecutor with the Ector County District Attorney's Office.

The resolutions were adopted.

HR 1091 - ADOPTED (by Price)

Representative Price moved to suspend all necessary rules to take up and consider at this time **HR 1091**.

The motion prevailed.

The following resolution was laid before the house:

HR 1091, Recognizing the month of March as Brain Injury Awareness Month.

HR 1091 was adopted.

HR 780 - ADOPTED (by Truitt)

Representative Truitt moved to suspend all necessary rules to take up and consider at this time **HR 780**.

The motion prevailed.

The following resolution was laid before the house:

HR 780, Recognizing the 22nd Annual Conference of the Texas Association of Public Employee Retirement Systems taking place March 27 through 30, 2011.

HR 780 was read and was adopted.

INTRODUCTION OF GUESTS

The chair recognized Representative Truitt who introduced representatives of the Texas Association of Public Employee Retirement Systems.

HR 1062 - ADOPTED (by S. Davis, Murphy, Callegari, and Bohac)

Representative S. Davis moved to suspend all necessary rules to take up and consider at this time **HR 1062**.

The motion prevailed.

The following resolution was laid before the house:

HR 1062, Recognizing March 30, 2011, as Pachyderm Day at the State Capitol.

HR 1062 was adopted.

On motion of Representative Murphy, the names of all the members of the house were added to **HR 1062** as signers thereof.

HCR 125 - ADOPTED
(by Hughes)

Representative Hughes moved to suspend all necessary rules to take up and consider at this time **HCR 125**.

The motion prevailed.

The following resolution was laid before the house:

HCR 125, Recognizing March 30, 2011, as Marshall Day at the State Capitol.

HCR 125 was read and was adopted.

On motion of Representative Berman, the names of all the members of the house were added to **HCR 125** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Hughes who introduced a delegation from Marshall.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of important business in the district:

S. Miller on motion of Callegari.

ELIGIBILITY OF CALENDARS RULES SUSPENDED

Representative Hunter moved to suspend all necessary rules to take up and consider **HB 4** and **HB 275** scheduled on the Daily Calendar set for 10 a.m. tomorrow at 8:30 a.m. tomorrow and to take up and consider **HB 1** scheduled on the Daily Calendar set for 10 a.m. Friday, April 1 at 8:30 a.m. Friday, April 1.

The motion prevailed by (Record 161): 143 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alonzo; Alvarado; Anchia; Anderson, C.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook(C); Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg;

Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker.

Absent, Excused — Allen; Miller, S.

Absent — Aliseda; Anderson, R.; Patrick; Paxton.

STATEMENTS OF VOTE

When Record No. 161 was taken, I was temporarily out of the house chamber. I would have voted yes.

Aliseda

When Record No. 161 was taken, I was temporarily out of the house chamber. I would have voted yes.

R. Anderson

HR 969 - ADOPTED (by Creighton)

Representative Creighton moved to suspend all necessary rules to take up and consider at this time **HR 969**.

The motion prevailed.

The following resolution was laid before the house:

HR 969, Recognizing March 30, 2011, as Montgomery County Day at the State Capitol.

HR 969 was read and was adopted.

INTRODUCTION OF GUESTS

The chair recognized Representative Creighton who introduced a delegation from Montgomery County.

(Speaker pro tempore in the chair)

LOCAL, CONSENT, AND RESOLUTIONS CALENDAR SECOND READING

The following bills were laid before the house, read second time, and passed to third reading, and the following resolutions were laid before the house on committee report (members registering votes are shown following the caption):

HB 74 was deferred until the end of today's local, consent, and resolutions calendar.

CSHB 92 (by Cook and Pitts), A bill to be entitled An Act relating to the regulation of slaughterers by certain counties.

HB 149 was deferred until the end of today's local, consent, and resolutions calendar.

CSHB 200 (by Parker), A bill to be entitled An Act relating to the notification of the release of certain inmates given to certain courts and law enforcement agencies.

HB 315 (by Flynn), A bill to be entitled An Act relating to the creation of the Hunt County Municipal Utility District No. 1; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

HB 350 (by Walle), A bill to be entitled An Act relating to discharging fines and costs assessed against certain juvenile defendants through community service or tutoring.

HB 361 (by Otto), A bill to be entitled An Act relating to the composition of the agricultural advisory board of an appraisal district.

Amendment No. 1

Representative Otto offered the following amendment to **HB 361**:

Amend **HB 361** (house committee printing) as follows:

(1) On page 1, line 5, strike "Section 6.12(b), Tax Code, is" and substitute "Sections 6.12(b) and (d), Tax Code, are".

(2) On page 1, between lines 12 and 13, insert the following:

(d) The board shall meet at the call of the chief appraiser at least once [~~three times~~] a year.

Amendment No. 1 was adopted.

HB 367 (by Orr and Shelton), A bill to be entitled An Act relating to the designation of State Highway 121 in Tarrant and Johnson Counties as the Chisholm Trail Parkway.

CSHB 370 (by Hochberg), A bill to be entitled An Act relating to the eligibility of a student to participate in extracurricular activities or competitions after transferring or moving from one public school to another.

HB 378 (by Guillen), A bill to be entitled An Act relating to stationary tow trucks on a highway; providing a penalty.

HB 388 (by Raymond, Guillen, and Lozano), A bill to be entitled An Act relating to the designation of segments of State Highways 359, 16, and 285 as the Veterans of the Korean War Memorial Highway.

CSHB 422 (by Guillen), A bill to be entitled An Act relating to certain oversize and overweight permits issued by the Texas Department of Transportation.

CSHB 434 (by Parker, Gonzalez, Laubenberg, J. Davis, Zerwas, et al.), A bill to be entitled An Act relating to the minimum standards for licensed child-care facilities and registered family homes. (Phillips recorded voting no.)

HB 447 (by Menendez), A bill to be entitled An Act relating to the powers of a defense base development authority.

HB 457 (by Craddick), A bill to be entitled An Act relating to restrictions on the promotion and operation of charitable raffles. (Aycock, Hunter, S. King, and Solomons recorded voting no.)

Amendment No. 1

Representative Craddick offered the following amendment to **HB 457**:

Amend **HB 457** (house committee report) on page 1, lines 22-23, by striking "but may not be hired solely to organize or conduct a raffle" and substituting "but the member's work organizing or conducting a raffle may not be more than a de minimis portion of the member's employment with the organization".

Amendment No. 1 was adopted.

HB 462 (by Kleinschmidt), A bill to be entitled An Act relating to the assignment of special judges in county courts in certain counties.

HB 478 (by Orr), A bill to be entitled An Act relating to certain court costs associated with the offense of failing to secure a child passenger in a motor vehicle.

CSHB 549 (by Dutton), A bill to be entitled An Act relating to the disposition of a decedent's remains.

HB 591 (by D. Miller), A bill to be entitled An Act relating to naming a segment of Interstate Highway 10 in Kendall County the Trooper Kurt David Knapp Memorial Highway.

HB 646 (by Orr), A bill to be entitled An Act relating to reporting requirements for salvage motor vehicles by insurance companies.

HB 699 (by Deshotel), A bill to be entitled An Act relating to the Port Authority Advisory Committee and funding of port security, transportation, and facility projects and port studies.

HB 801 (by C. Anderson and Beck), A bill to be entitled An Act relating to the territory and dissolution requirements of the Southern Trinity Groundwater Conservation District.

HB 805 (by Callegari), A bill to be entitled An Act relating to the requirement that certain water service providers ensure emergency operations during an extended power outage.

HB 824 (by Villarreal, et al.), A bill to be entitled An Act relating to an outreach campaign to promote fathers' involvement with their children before birth. (Aycock, Hunter, P. King, S. King, Laubenberg, Lavender, Paxton, Phillips, Solomons, and Zedler recorded voting no.)

HB 831 (by Craddick), A bill to be entitled An Act relating to the authority of certain local governmental entities to borrow money for a public hospital.

HB 843 (by Geren, et al.), A bill to be entitled An Act relating to the use of electronic means for the delivery of ad valorem tax bills to certain property owners and agents.

CSHB 848 (by Guillen and Raymond), A bill to be entitled An Act relating to an agreement authorizing certain persons to make decisions regarding a child during an investigation of child abuse or neglect.

HB 850 (by Craddick), A bill to be entitled An Act relating to the Rankin County Hospital District.

HB 861 (by Patrick), A bill to be entitled An Act relating to membership of the state continuing advisory committee for special education services.

HB 885 (by Rodriguez), A bill to be entitled An Act relating to the operation and movement of a vehicle when certain traffic-control signals do not display an indication.

HB 904 (by Thompson), A bill to be entitled An Act relating to court costs imposed on conviction and deposited to the municipal court building security fund. (Laubenberg, Paxton, and Solomons recorded voting no.)

HB 905 (by Thompson and Gonzalez), A bill to be entitled An Act relating to the admissibility of certain hearsay statements of a child in hearings on an application for a protective order.

HB 906 (by Thompson), A bill to be entitled An Act relating to appointments made in and the appeal of certain suits affecting the parent-child relationship.

HB 984 (by Truitt), A bill to be entitled An Act relating to agreements between contiguous municipalities regarding jurisdiction of cases in municipal courts.

HB 993 (by Rodriguez and Martinez), A bill to be entitled An Act relating to the closure of a road or highway by certain firefighters.

HB 1110 (by Craddick), A bill to be entitled An Act relating to the contracting authority of the Midland County Hospital District.

HB 1130 (by Huberty), A bill to be entitled An Act relating to information provided by the Texas Education Agency to school districts regarding placement of students receiving special education services.

HB 1209 (by L. Taylor, et al.), A bill to be entitled An Act relating to a probate fee exemption for estates of certain law enforcement officers, firefighters, and others killed in the line of duty.

HB 1251 (by Deshotel), A bill to be entitled An Act relating to the election of the members of the Board of Port Commissioners of the Port of Port Arthur Navigation District of Jefferson County.

HB 1286 (by D. Howard, Hochberg, et al.), A bill to be entitled An Act relating to adoption of rules by the University Interscholastic League.

HB 1383 (by Quintanilla), A bill to be entitled An Act relating to the territory of the El Paso County Water Control and Improvement District No. 4.

HB 1409 (by Flynn), A bill to be entitled An Act relating to the designation of a segment of State Highway 243 in Van Zandt County as the Veterans Memorial Parkway.

HB 1481 (by Truitt, Naishtat, J. Davis, and Raymond), A bill to be entitled An Act relating to the use of person first respectful language in reference to individuals with disabilities.

CSHB 1510 (by Hamilton), A bill to be entitled An Act relating to the regulation of manufactured housing.

HB 1551 (by Aycock), A bill to be entitled An Act relating to the power of the Bell County Water Control and Improvement District No. 1 to issue bonds.

HB 1674 (by Jackson), A bill to be entitled An Act relating to procedures for establishment, modification, and enforcement of child support obligations.

HB 1703 (by Martinez Fischer), A bill to be entitled An Act relating to the schedule for administration of state-administered assessment instruments in public schools.

HB 1844 (by Guillen), A bill to be entitled An Act relating to storage of local government records by the Texas State Library and Archives Commission.

HCR 33 (by Raymond, Guillen, Pitts, and Martinez Fischer), Authorizing the burial of Susana I. Aleman in the State Cemetery.

HCR 45 (by Kleinschmidt), Designating Giddings as the official Depot Capital of Texas.

HR 523 (by Aliseda), Honoring the legacy of community service of the post office in Campbellton and urging Congress to direct the U.S. Postal Service to continue operating the Campbellton Post Office in Atascosa County.

HB 74 (by Flynn, Sheffield, Landtroop, and Farias), A bill to be entitled An Act relating to persons authorized to control the disposition of the remains of certain members of the United States armed forces.

HB 149 (by Raymond), A bill to be entitled An Act relating to the appointment of a parenting coordinator or parenting facilitator in a suit affecting the parent-child relationship.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Business and Industry, upon first adjournment today, Desk 47, for a formal meeting, to consider pending business.

ADJOURNMENT

Representative Harless moved that the house adjourn until 1:15 p.m. today.

The motion prevailed.

The house accordingly, at 11:56 a.m., adjourned until 1:15 p.m. today.

ADDENDUM

SIGNED BY THE SPEAKER

The following bills and resolutions were today signed in the presence of the house by the speaker:

House List No. 13**HCR 62, HCR 114****MESSAGES FROM THE SENATE**

The following messages from the senate were today received by the house:

Message No. 1**MESSAGE FROM THE SENATE****SENATE CHAMBER**

Austin, Texas

Wednesday, March 30, 2011

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:**SB 17**

Carona

Relating to the regulation of residential mortgage loan servicers; providing an administrative penalty.

SB 19

Nichols

Relating to the development, financing, construction, and operation of certain toll projects.

SB 166

Shapiro

Relating to the sex offender civil commitment program and to the creation of a state agency to perform the functions relating to the sex offender civil commitment program that are currently performed by the Council on Sex Offender Treatment.

SB 431

Jackson

Relating to the use of fraudulent or fictitious military records; creating an offense.

SB 691

Estes

Relating to the exemption from permitting by groundwater conservation districts for certain water wells used for domestic, livestock, and poultry watering purposes.

SB 727

Seliger

Relating to groundwater conservation district management plans.

SB 876

Watson

Relating to the fee for a personal identification certificate for a homeless individual.

SB 888

Carona

Relating to the authority of a regional transportation authority to create a local government corporation.

SB 1007

Williams

Relating to certain comprehensive development agreements of the Texas Department of Transportation.

SB 1165

Carona

Relating to certain enforcement powers of the banking commissioner; providing administrative penalties.

Respectfully,

Patsy Spaw

Secretary of the Senate

